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JAN P. JOHNSON
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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

IN RE:) Case No:09-39195-B-13J
) DC No.: JPJ-01
)
JUAN RODRIGUEZ,) **TRUSTEE'S MOTION TO DISMISS**
)
)
)
) DATE: NOVEMBER 18, 2009
) TIME: 1:00 PM
) Debtor(s)) COURTROOM: 33

JAN P. JOHNSON, CHAPTER 13 TRUSTEE, hereby moves the Court for an Order Dismissing this case pursuant to 11 U.S.C. §1307, General Order 05-03, and as supported by the attached declaration for the following reason(s):

III

1 1. The debtor is delinquent to the trustee in the amount of \$1,540.00 which represents
2 one (1) payment. The debtor has made no plan payments since this petition was filed which was
3 on September 4, 2009. There is cause to dismiss this case pursuant to 11 U.S.C. §1307(c)(4).

4 2. The court mailed the Notice of Bankruptcy Case on all parties on September 15,
5 2009. The debtor did not file a plan until September 21, 2009. The debtor failed to serve a copy
6 of the plan and a duplicate of the Notice of Bankruptcy Case on all parties at least 18 days prior
7 to the First Meeting of Creditors as required pursuant to paragraph 3(a)(2) of General Order 05-
8 03. To date the debtor has failed to file a Motion to Confirm the Plan as required pursuant to
9 paragraph 8(a) of General Order 05-03.

10 3. The debtor failed to provide the trustee with a Class 1 Authorization and Checklist as
11 Required pursuant to paragraph 5(c)(2) of General Order 05-03.

12 WHEREFORE, the Trustee asks that the Court grant an Order Dismissing this
13 proceeding.

14 Dated: October 28, 2009



15 /s/ Jan P. Johnson
16 Standing Chapter 13 Trustee